



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

May 17, 2010

Mr. Steven A. Massey
Burke County Animal Shelter
150 Government Drive
Morganton, NC 28655-4663

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

7006 2760 0003 0472 2099

Notice of Warning

Re: Violation of Title 02, N.C. Administrative Code Chapter 52JB, Section(s) [numbers]

Shelter: Burke County Animal Shelter
150 Government Drive, Morganton, NC

Dear Mr. Massey:

Mr. Gary Stamey, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, inspected your facility on May 11, 2010, and determined that the shelter facility may be in violation of state law and regulations. On that date, Mr. Stamey found that your outside runs were in disrepair, with chain link fencing and rails showing rust and breaks. Mr. Stamey also noted that you continue to house more than four dogs in primary enclosures that were too small for the number and size of the dogs held. Mr. Stamey noted seeing as many as seven dogs in a single run, as set forth in the attached inspection report.

Based on the results of the above visit, you may have violated the following Agriculture regulation:

02 NORTH CAROLINA ADMINISTRATIVE CODE 52J .0204

(b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, urn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.

(c) Each primary enclosure shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. All resting surfaces must be of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(d) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. $\text{Required floor space in square inches} \div 144 = \text{required floor space in square feet}$. The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.

(e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.

This letter shall constitute a **WARNING**. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your facility's certificate of registration pursuant to G.S. 19A-30 or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. Gen. Stat. § 19A-40.

Sincerely,



Lee Hunter, DVM, MPH
Director, Animal Welfare Section

BHB

cc: Mr. Barry Bloch, Assistant Attorney General
Mr. Gary Stamey, Animal Health Technician
Mr. Howard Isley, Assistant Commissioner
Dr. David T. Marshall, State Veterinarian